SUPREME COURT OF TEXAS CASES 0~8353 030 EDGEWOOD INDEPENDENT SCHOOL DISTRICT, ET AL. U. 1988-89 WILLIAM, ET AL. (3RD DISTRICT)

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behalf supporting Petitioners and Petitioner interenors in the Edgewood case.

Mary Woods

3-23-89

Statement of amicus Curias (PATBRIJALBAJR)

It is the closine of Pat Brigalba Jr. That the Supreme Court of Jexas should here, as soon as possible, The Edgewood Independent School Dist, Et Al., Petitioners, and rule that substantially equal educational opportunity is indeed the Daw of the Pand in Jexas.

Chield. Clearly inequities exist of every amican Chield. Clearly inequities exist of funding of Bublic education. It is a case of have and have not. If we are serious about improving education we must change the ament ayotem. Pour school districts must have the financial resources to retain its teachers and offer the Gragams necessary to prepare our children. The Civil rights issues of the 1960's moved our country forward to a more democratic. nation. If our state and country is to more forward in aducation we must assue and child equal opportunity.

I authorize an attorney selected by the Equity Center to incorporate this otatement in an amicus brief on my behalf supporting politioners and petitioner interioros in The Edywood Par Brijalen f.

It is my desire, Fidela Jasso, that the Sugreme Court of Just should have as soon as possible, the Edgewood Independent School Westrict, ES. a.L. Helitioner; V. William Kirly, ES, at, Respondents, and rule that substanting equal educational opportunity is needed the law of the land in Jesas. Substantial equal educational opportunity should be given to every school district regardless of size. Lack of modern matirials and equipment such as inadequate books and materials in libraries, courselors, student training for different things, spicialists in grograms as conjuter training, compensating classes, collège pref far gifted and talented students etc. I authorize an attorney selected by the Equity Center to incorporate this state ment in an anicus hilf my behalf suggesting fetitioners and fetitioner Intervention in the Edgewood case. Didela Gasso

I believe that the Edgewood Independent School District should be given substantial equal opportunity. Lack of financial assistance would highly impair students ability to succeed and compete with students in higger schoole, thus daying ing in many ways, the privilege of getting ready for College, for many making it an absolute impossibility.

Sidela Jasso

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THE STREET STREET STREET

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March 24, 1989 + hote affine month but in Statement of amicros Cinial Esther Ornelas] elt is the desire of Esther Unllas that the Supreme Court of Leyas should hear as soon as possible, the Edgewood Independent School District, El at, Petitioners; V. William Kuby, Et al, Respondent, and rule that substantially Iqual educational opportunity is indeed the law of the land in Sexal. I believe that smaller schools should recioul the same amount of money as sigger schools should so that us can inproul ail facilities. Sol instance our school needs men termis courts and a Pitter track also I think

that if we are able to Improve our facilities Iducation will improve in smaller schools. I authorize an attorney selected by the Equity Center to incorporate this statement in an am buy on my behalf support ing Petitioners and Plationer Intervenior in the Edglivould case Exher Ownelas

Statement Of aniew aviae Nancy Raminez

ant tart garinas youras & Jo socials ant aith roca as, road blunde coxet do trua smarque apposable, the EQCEWOOD IND EPENDENT SCHOOL DISTRICT, ET AL, Potitionors, V. WILLIAM KIRBY, ETAL, Respondents, and rule that substantially equal educational brolad forwal and boshni ai winner agas in Lexas. Body of Statement

Doutharize an attarney solated by the Equity Contento incorporate this statement in an amicus brief on my behalf supporting cranarrated nonitited and cranitited eass boouseps? and mis

Y Jancy Raming

alburolactochea We tott shirt G canal They should have enough ot annual not mad at continutroggo biog al blirans analyse Meri Mass york springest right to samouse som

march 24,1989

It is the desire of Brenda Iniques? That the Supreme Court of Jelas should hear, as soon as possible, the Edglinged Independent School District, ET AL., Petitioners; V. William Kurry, ET AL., Respondents, and rule that substantially equal educational apportunity is indeed the Jaw of the Jand in Jeras.

I believe that all schools should be equal with all stuff. For wample: some other schools have a school rave a better track, better school counsilor. What is wrong with us little schools that we cannot or not be able to get the things that bigger schools can? It doesn't matter if we schools are small or not.

I think that we acrooks should get what brigger schools have.

I authorize an attorney selected by the Equity Center to incorporate this statement in an amicus brief on my behalf supporting Petitioners and Petitioner eIntervenous in the Edgewood case.

sign: Brenda Aniquez

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March 24, 1989

State of amicus Cural [Milinda Gomes] It is the desire of Melinda Gemey that the supreme Court of Texas should hear, as each as passible, the CDGEWOOD INDEPENDENT SCHOOL DISTRICT, ET AT., Petitioners; V. William Kurly, ET AL., Respondents, and mile that substantially equal educational Experimenty is indeed the law of the land In Sixas I think that small school should be given the same amount of money as larger Schools recieve. With that sum of money we an improve law, sinces, sports courts and Itald and ather facilities. De example, our Milal library needs mare reserren material to find-viternation for united we do here at Tured. Circher improvement we held at our Incal is a track far our track field and Mere dennies courts. O thouse book book Mulfall, Delieve it we improve our. facilities are wan better our education. I buthouse an attorney selected by the

(DIHA)

Equity Center to incorporate this Statement in an arricus bruef an muy behalf supporting Petitioners and Petitioner Intervenors in the Edgewood Cast.

Melinda Lomez

Statement of amicus Curicas (Butchouse)

Luchower that the Supreme ... Court of Texas should hear, as soon as possible, the Edgewood, Independent School District, ET AL., Petitioners; V. William Kinky, ET AL, Respondents, and rules that substantially equal educational oppositionity is indud. It law of the Land in Texas.

Balmorhea to igh School would wish for heter funds and facilities to improve the students' iducation. Our school is going down he cause of discouraged teachers. That, then, makes the students' git discouraged. It influences the students to the inha that the teachers and whole facalty just "Don't Car"! With the little funding and that the little funding and that the students that the students that I ach students that I ach students the students that I ach students the students that I ach and more time to do and more time.

don't increase for smaller schools, the students will get discouraged and things will really go down.

It sometimes happens
that if only the rich schools
get good funding and poor
onis don't. Most of the time

the people in small schools have much more to show with their intelligence, but never get to show it become of low funds and facilities to learn.

I anthorize an attourney selected by the Equity Center La incorporate this statement in an amicus brief on my behalf supporting Petitioners and Petitioner Intervenors in the Edgewood case.

Lynthia Wutchower

Statement of amicus Curiae [Prussy Gray]

Level of Texas should hear, as soon as possible, the Edgewood Independent School District, ET al., Petitioners; V. William Kirly, ET AL., Respondents, and rule that substantially equal seducational opportunity is indeed the law of the land in Texas.

I feel that all schools should be equal, money wise. Feachers in School administration should all we paid equally in the state of Texas, of course individuals job. If we all a ly teachers got all spaid equally, then we'd have teachers applying they where for a job, not just where people they applying the couring teachers. Money is what we should all shore and be equally in the schools of Texas.

Lauthorize an attorney selected by the Equity Center to incorporate this statement in an amicus brief on my behalf supporting Petitioners and Petitioner Intervenors in the Edgwood case.

Drusey Dray

IN THE

SUPREME COURT OF TEXAS AUSTIN, TEXAS

EDGEWOOD INDEPENDENT SCHOOL DESTRICT, ET AL.,

Petitioners

V.

WILLIAM KIRBY, ET AL.,

Respondents

THIRD COURT OF APPEALS AT AUSTIN

BRIEF OF AMICUS CURIAE IN SUPPORT OF THE PETITIONERS AND
PETITIONER-INTERVENORS BY THE
REGISTERED VOTERS, TAXPAYERS, PARENTS, TEACHERS AND CITTZENS
OF BALMORHEA ISD
BALMORHEA, TEXAS

TO THE HONORABLE SUPREME COURT OF TEXAS:

Now come the registered voters, taxpayers, parents, teachers and citizens of Balmorhea ISD, Balmorhea, Texas and submit the following statements in support of the ruling of the Honorable Harley Clark, Judge - 250th Judicial District, Travis County, in Cause Number 362,516.

The undersigned has been requested to submit these statements to the Court. The undersigned does not represent any party and has no monetary interest in the outcome of the litigation. The statements presented are from individuals

who have a substantial interest in preserving the State's ability to provide equitable public education to its citizens.

Accordingly, the registered voters, taxpayers, parents, teachers and citizens of Balmorhea ISD, Balmorhea, Texas respectfully pray that this Court consider the attached statements and uphold the decision of the trial court in the case at bar.

Respectfully submitted, ARNOLD AND NICOLAS 800 One Capitol Square 300 West Fifteenth Street Austin, Texas 78701 512-320-5200

by <u>Sandra R. Nicolas</u>

State Bar No. 15016500

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Amicus Brief in Support of Petitioners' and Petitioner-Intervenors' Applications for Writ of Error has been sent on this ________ day of ________, 1989, by United States Mail, postage prepaid to all counsel of record.

Sandra R. Nicolas State Bar Number 15016500

ARNOLD AND NICOLAS 800 One Capitol Square 300 West Fifteenth Street Austin, Texas 78701 512-320-5200 RECEIVED IN SUPREME COURT OF TEXAS

NO. C-8353

JUN 29 1989

JOHN T. ADAMS, Clerk IN THE SUPREME COURT OF TEXAS

By AUSTIN, TEXAS

EDGEWOOD INDEPENDENT SCHOOL DISTRICT, ET AL.,
Petitioners

٧.

WILLIAM KIRBY, ET AL.,

Respondents

BRIEF OF AMICUS CURIAE IN SUPPORT OF THE PETITIONERS AND
PETITIONER-INTERVENORS BY THE
REGISTERED VOTERS, TAXPAYERS, PARENTS, TEACHERS AND CITIZENS
OF SANGER ISD
SANGER, TEXAS

VOLUME II

IN THE SUPREME COURT OF TEXAS AUSTIN, TEXAS

EDGEWOOD INDEPENDENT SCHOOL DISTRICT, ET AL.,
Petitioners

٧.

WILLIAM KIRBY, ET AL.,

Respondents

BRIEF OF AMICUS CURIAE IN SUPPORT OF THE PETITIONERS AND
PETITIONER-INTERVENORS BY THE
REGISTERED VOTERS, TAXPAYERS, PARENTS, TEACHERS AND CITIZENS
OF SANGER ISD
SANGER, TEXAS

VOLUME II

NO. C-8353

IN THE

SUPREME COURT OF TEXAS AUSTIN, TEXAS

EDGEWOOD INDEPENDENT SCHOOL DISTRICT, ET AL.,

Petitioners

V.

WILLIAM KIRBY, ET AL.,

Respondents

THIRD COURT OF APPEALS AT AUSTIN

BRIEF OF AMICUS CURIAE IN SUPPORT OF THE PETITIONERS AND
PETITIONER-INTERVENORS BY THE
REGISTERED VOTERS, TAXPAYERS, PARENTS, TEACHERS AND CITIZENS
OF SANGER ISD
SANGER, TEXAS

VOLUME II

TO THE HONORABLE SUPREME COURT OF TEXAS:

Now come the registered voters, taxpayers, parents, teachers and citizens of Sanger ISD, Sanger, Texas and submit the following statements in support of the ruling of the Honorable Harley Clark, Judge - 250th Judicial District, Travis County, in Cause Number 362,516.

The undersigned has been requested to submit these statements to the Court. The undersigned does not represent any party and has no monetary interest in the outcome of the

litigation. The statements presented are from individuals who have a substantial interest in preserving the State's ability to provide equitable public education to its citizens.

Accordingly, the registered voters, taxpayers, parents, teachers and citizens of Sanger ISD, Sanger, Texas respectfully pray that this Court consider the attached statements (Volume II) and uphold the decision of the trial court in the case at bar.

Respectfully submitted, ARNOLD AND NICOLAS 800 One Capitol Square 300 West Fifteenth Street Austin, Texas 78701 512-320-5200

by Jandia R. Nicolas

State Bar No. 15016500

Statement of anicus Curiae, Royanne Feldman Schools in Sanger do not receive adequate funding for our buildings, equipment, supplies, personnel, special programs, etc., yet we have the second highest tax rate in Denton County. Students' educational opportunities should not be determined by where he or she happens to live all students need fair and equal opportunities for the best education available. This is only possible through equitable funding. I wrige you to both hear Edgewood v. Kirby and to rule in Lavor of the low property value per student schools in Texas. I authorize an attorney selected by the Equity Center to incorporate this statement in an amicus brief on my behalf supporting Petitioners and Petitioner-Intervenors in the . Edgewood case. Sincerely Profanne Feldman, Teacher, Sanger I.S.D.

STATEMENT OF AMICUS CURIAE, JACK GARDNER

The present method of distribution of state funds for public education in the State of Texas is not fair nor equitable.

We who live in smaller, poorer districts have to pay much higher tax rates than the larger urban districts, and still, we cannot compete for quality teachers and specialized personnel, such as counselors, curriculum specialists, or librarians, because of the inequitable distribution of funds. We are further penalized when the state legislature demands that school districts implement expensive special programs yet provides no extra money to pay for them.

Our children have the same right to a quality education in adequate facilities as the children who happen to live in the large urban districts. It is not fair that a child, a citizen of Texas, can be limited in his or her educational opportunities simply because of where his or her parents live.

I urge you to hear and support Edgewood vs. Kelly.

I authorize an attorney selected by the Equity Center to incorporate this statement in an amicus brief supporting Petitioners and Petitioner-Intervenors in the Edgewood case.

Thank you

Jack Gardner

Plumbing Contractor

and francher

STATEMENT OF AMICUS CURIAE, Mary Gardner

I am a Teacher, as well as a tax payer and parent, in a small school district and I am concerned about the inequity in the distribution of state funds for education in the State of Texas.

We have to pay higher taxes than the larger urban districts, then sit by and watch while the large districts get a larger share of state funds. Watch while our good teachers leave to find better pay. Watch while our facilities deteriorate and become inadequate, all because of inequality in funding education in the State of Texas.

Our children are being penalized simply by living in a smaller school district. Through no fault of their own they are denied an equal educational opportunity because of where their parents live. And our districts are doomed to remain small and poor because the higher tax rates discourage economic growth and development.

I urge you to hear and support Edgewood vs. Kirby.

I authorize an attorney selected by the Equity Center to incorporate this statement in an amicus brief supporting Petitioners and Petitioner-Intervenors in the Edgewood case.

Thank you,

Mary Gardner

Teacher

Our schools have never had adequate funds for buildings, equipment, supplies, personnel, etc., yet, our school has for years had the second highest tax rate in Denton County.

A student's ability to succeed economically is impaired by inadequate educational opportunities. The young people in our community both want and deserve equal educational opportunities.

I urge you to both hear Edgewood v. Kirby and to rule in favor of the low property value per student schools in the state of Texas.

I authorize an attorney selected by the Equity Center to incorporate this statement in an amicus brief on my behalf supporting Petitioners and Petitioner-Intervenors in the Edgewood case.

Sincerely,

Casey Patton

Young Person wanting

equal educational opportunities.

STATEMENT OF AMICUS CURIAE, Marque George

Our schools have never had adequate funds for buildings, equipment, supplies, personnel, etc., yet, our school has for years had the second highest tax rate in Denton County.

A student's ability to succeed economically is impaired by inadequate educational opportunities. The young people in our community both want and deserve equal educational opportunities.

I urge you to both hear Edgewood v. Kirby and to rule in favor of the low property value per student schools in the state of Texas.

I authorize an attorney selected by the Equity Center to incorporate this statement in an amicus brief on my behalf supporting Petitioners and Petitioner-Intervenors in the Edgewood case.

Sincerely,

Margie George, Suf payer

STATEMENT OF AMICUS CURIAE, Salores Walls

I am vitally concerned about public education in Texas and about the failure of the Legislature and Governor to support an equitable method for the distribution of state funds in Texas.

Our schools have had roofs that leak, low salaries from the custodians to the superintendent, lack of equipment, etc., and high taxes for years. Our tax rate was \$1.20 per hundred back when \$0.50 and \$0.60 rates were considered high.

More money is needed now for the low value districts to meet the challenge of educational reform; further delays will do irreparable damage.

I authorize an attorney selected by the Equity Center to incorporate this statement is an amicus brief on my behalf supporting Petitioners and Petitioner-Intervenors in the Edgewood case.

Thank you,

Lals ies Watts Taypayer

STATE OF AMICUS CURIAE, ROBERT PATTON

Our schools have never had adequate funds for buildings, equipment, supplies, personnel, etc., yet, our school has for years had the second highest tax rate in Denton County.

A student's ability to succeed economically is impaired by inadequate educational opportunities. The young people in our community both want and deserve equal educational opportunities.

I urge you to both hear Edgewood v. Kirby and to rule in favor of the low property value per student schools in the state of Texas.

I authorize an attorney selected by the Equity Center to incorporate this statement in an amicus brief on my behalf supporting Petitioners and Petitioner-Intervenors in the Edgewood case.

Singerely,

R. art Patton

The her, Father, and Taxpayer

STATE OF AMICUS CURIAE, TERRI PATTON

Our schools have never had adequate funds for buildings, equipment, supplies, personnel, etc., yet, our school has for years had the second highest tax rate in Denton County.

A student's ability to succeed economically is impaired by inadequate educational opportunities. The young people in our community both want and deserve equal educational opportunities.

I urge you to both hear Edgewood v. Kirby and to rule in favor of the low property value per student schools in the state of Texas.

I authorize an attorney selected by the Equity Center to incorporate this statement in an amicus brief on my behalf supporting Petitioners and Petitioner-Intervenors in the Edgewood case.

Sincerely,

Terri Patton

Teacher, Mother, and Taxpayer

STATEMENT OF AMICUS CURIAE, Jerry Schertz

As a taxpayer, I have only now come to realize that all of the rest of the school districts in the metroplex have not been paying a tax rate as high as \$1.24 just to support their schools.

I did not know that the so-called school reform and that the equity in the distribution of state funds to public schools started by H.B. 72 has not been met by the legislature until just recently.

A student's educational opportunities should not be determined by where he or she happens to be born or where his or her parents happen to live.

I urge you to hear and rule in favor of equity in state funds distributed to the public schools in Texas.

I authorize an attorney selected by the Equity Center to incorporate this statement in an amicus brief on my behalf supporting Petitioners and Petitioner-Intervenors in the Edgewood case.

Sincerely,

Statement of amices Curiae, Many Tonn I am writing to request that you hear Edgewood V. Kirly suit on behalf of the school districts in Texas with low property values per student.

Sanger ISD has the second highest tay rate out of the elever schools in Denton County, and at the same time, Sanger has the second lowest value per student in Denton County-the is no coincidence. As a result, our school does not have adequate funds to mut state mandates, provide adequate science labe, etc.

not be determined by where he or she happens to be born or where he or her parents happens to live.

Center to incorporate this statement in an amicus brief on my behalf supporting Relitioners and Pelitioner Intervenors in the Edgewood case.

Sincerely, Many Alice Tonn - Teacher

STATEMENT OF AMICUS CURIAE, SUSAN KWAST

I am vitally concerned about public education in Texas and about the failure of the Legislature and Governor to support an equitable method for the distribution of state funds in Texas.

Our schools have had roofs that leak, low salaries from the custodians to the superintendent, lack of equipment, etc., and high taxes for years. Our tax rate was \$1.20 per hundred back when \$0.50 and \$0.80 rates were considered high.

More money is needed now for the low value districts to meet the challenge of educational reform; further delays will do irreparable damage.

I authorize an attorney selected by the Equity Center to incorporate this statement is an amicus brief on my behalf supporting Petitioners and Petitioner-Intervenors in the Edgewood case.

Thank you,

Susan Kwast Parent / Yaypaye

STATEMENT OF AMICUS CURIAE,

Randy 1 Bentle

I am vitally concerned about public education in Texas and about the failure of the Legislature and Governor to support an equitable method for the distribution of state funds in Texas.

Our schools have had roofs that leak, low salaries from the custodians to the superintendent, lack of equipment, etc., and high taxes for years. Our tax rate was \$1.20 per hundred back when \$0.50 and \$0.80 rates were considered high.

More money is needed now for the low value districts to meet the challenge of educational reform; further delays will do irreparable damage.

I authorize an attorney selected by the Equity Center to incorporate this statement is an amicus brief on my behalf supporting Petitioners and Petitioner-Intervenors in the Edgewood case.

Thank you,

Randy & Bentley Tappayer

STATEMENT OF AMICUS CURIAE, DAVID MOORE

I am vitally concerned about public education in Texas and about the failure of the Legislature and Governor to support an equitable method for the distribution of state funds in Texas.

Our schools have had roofs that leak, low salaries from the custodians to the superintendent, lack of equipment, etc., and high taxes for years. Our tax rate was \$1.20 per hundred back when \$0.50 and \$0.60 rates were considered high.

More money is needed now for the low value districts to meet the challenge of educational reform; further delays will do irreparable damage.

I authorize an attorney selected by the Equity Center to incorporate this statement is an amicus brief on my behalf supporting Petitioners and Petitioner-Intervenors in the Edgewood case.

Thank you,

TEACHER

STATEMENT OF AMICUS CURIAE,

Barry Phillips

I am writing to request that you hear the Edgewood v. Kirby suit on behalf of the school districts in Texas with low property values per student.

Sanger ISD has the second highest tax rate out of the eleven schools in Denton County, and at the same time, Sanger has the second lowest value per student in Denton County - this is no coincidence. As a result, our school does not have adequate funds to meet state mandates, provide adequate science labs, etc.

A student's educational opportunities should not be determined by where he or she happens to be born or where his or her parents happen to live.

I authorize an attorney selected by the Equity Center to incorporate this statement in an amicus brief on my behalf supporting Petitioners and Petitioner—Intervenors in the Edgewood case.

Sincerely,

Dorry Phillips Concern Tax payer

STATEMENT OF AMICUS CURIAE, Myrtle GWIN

Our schools have never had adequate funds for buildings, equipment, supplies, personnel, etc., yet, our school has for years had the second highest tax rate in Denton County.

A student's ability to succeed economically is impaired by inadequate educational opportunities. The young people in our community both want and deserve equal educational opportunities.

I urge you to both hear Edgewood v. Kirby and to rule in favor of the low property value per student schools in the state of Texas.

I authorize an attorney selected by the Equity Center to incorporate this statement in an amicus brief on my behalf supporting Petitioners and Petitioner-Intervenors in the Edgewood case.

Sincerely,

Mystle Luin Trandmother / Danpayer

STATEMENT OF AMICUS CURIAE,

I am vitally concerned about public education in Texas and about the failure of the Legislature and Governor to support an equitable method for the distribution of state funds in Texas.

Our schools have had roofs that leak, low salaries from the custodians to the superintendent, lack of equipment, etc., and high taxes for years. Our tax rate was \$1.20 per hundred back when \$0.50 and \$0.80 rates were considered high.

More money is needed now for the low value districts to meet the challenge of educational reform; further delays will do irreparable damage.

I authorize an attorney selected by the Equity Center to incorporate this statement is an amicus brief on my behalf supporting Petitioners and Petitioner-Intervenors in the Edgewood case.

Thank you,

John St payer

STATEMENT OF AMICUS CURIAE,

Cheryl Scheity

Our schools have never had adequate funds for buildings, equipment, supplies, personnel, etc., yet, our school has for years had the second highest tax rate in Denton County.

A student's ability to succeed economically is impaired by inadequate educational opportunities. The young people in our community both want and deserve equal educational opportunities.

I urge you to both hear Edgewood v. Kirby and to rule in favor of the low property value per student schools in the state of Texas.

I authorize an attorney selected by the Equity Center to incorporate this statement in an amicus brief on my behalf supporting Petitioners and Petitioner-Intervenors in the Edgewood case.

Sincerely,

Cheryl Scheitz Mother/Daxpayer

STATEMENT OF AMICUS CURIAE, MAS Gulling Schools

Our schools have never had adequate funds for buildings, equipment, supplies, personnel, etc., yet, our school has for years had the second highest tax rate in Denton County.

A student's ability to succeed economically is impaired by inadequate educational opportunities. The young people in our community both want and deserve equal educational opportunities.

I urge you to both hear Edgewood v. Kirby and to rule in favor of the lowers. property value per student schools in the state of Texas.

I authorize an attorney selected by the Equity Center to incorporate this statement in an amicus brief on my behalf supporting Petitioners and Petitioner-Intervenors in the Edgewood case.

Sincerely,

grandmothy taxpay

STATEMENT OF AMICUS CURIAE, Lloyd GWIN

I am writing to request that you hear the Edgewood v. Kirby suit on behalf of the school districts in Texas with low property values per student.

Sanger ISD has the second highest tax rate out of the eleven schools in Denton County, and at the same time, Sanger has the second lowest value per student in Denton County – this is no coincidence. As a result, our school does not have adequate funds to meet state mandates, provide adequate science labs, etc.

A student's educational opportunities should not be determined by where he or she happens to be born or where his or her parents happen to live.

I authorize an attorney selected by the Equity Center to incorporate this statement in an amicus brief on my behalf supporting Petitioners and Petitioner-Intervenors in the Edgewood case.

Sincerely,

Lloyd Suin Grandfather / Darspayer

STATEMENT OF AMICUS CURIAE,

Phyllis Culliam

I am writing to request that you hear the Edgewood v. Kirby suit on behalf of the school districts in Texas with low property values per student.

Sanger ISD has the second highest tax rate out of the eleven schools in Denton County, and at the same time, Sanger has the second lowest value per student in Denton County – this is no coincidence. As a result, our school does not have adequate funds to meet state mandates, provide adequate science labs, etc.

A student's educational opportunities should not be determined by where he or she happens to be born or where his or her parents happen to live.

I authorize an attorney selected by the Equity Center to incorporate this statement in an amicus brief on my behalf supporting Petitioners and Petitioner—Intervenors in the Edgewood case.

Sincerely,

Phyllis Cullum Mother/Daxpayer

Statement of amicus Curiae, Helen Ruth French Lite all Lexas schools should get equal funding Sanger has one of the highest tax rates in Denton County, yet funding is lower here than in many distracts. Sanger schools must manage without sufficient supplies, teachers, aides, and special school programs because of a shortage of money. In the education of the students in Sanger less important than education of the children in the distracts that receive money? Sanger doesn't thinks so! of the low property value per student schools in the state of Jerus in the Edgewood vo. Kirby Case.

Statement of amicus ariae, Rose anne Preston

Our schools have never had adequate funds for buildings, equipment, supplies, personnel, etc. yet, our school has for years had the second highest Tax rate in Nenton County.

a studento ability to succeed economically is impaired by inadequate educational opportunities. He young people in our community both want and deserve equal

educational opportunities.

I urge you to both hear Edgewood V. Kirby and rule in favor of the low properly ralue per dudent schools in

the state of Devas.

Dauthorize an attorney selected by the Equity Center to incorporate the statement in an amicus brief on my behalf supporting Petitioners and Petitioner-Intervenors in the Edgewood case.

Sincerely, Rose anne Reston, tracher, tay payer parent

STATEMENT OF AMICUS CURIAE,

I am writing to request that you hear the Edgewood v. Kirby suit on behalf of the school districts in Texas with low property values per student.

Sanger ISD has the second highest tax rate out of the eleven schools in Denton County, and at the same time, Sanger has the second lowest value per student in Denton County - this is no coincidence. As a result, our school does not have adequate funds to meet state mandates, provide adequate science labs, etc.

A student's educational opportunities should not be determined by where he or she happens to be born or where his or her parents happen to live.

I authorize an attorney selected by the Equity Center to incorporate this statement in an amicus brief on my behalf supporting Petitioners and Petitioner-Intervenors in the Edgewood case.

Sincerely

John Beggesteff Taxpayer

Statement of amicus Curiae, Leggy Hlein · Our school district does not have adequate funds for buildings, equipment, supplies, or personnel, yet, our school has the Righest tay rate in Denton County. W student's ability to succeed economically is impaired by inadequate educational opportunities compared to student's ability to succeed in we althier districts. More money is needed now in our district; further delays will do irreparable damage. I authorize an attorney selected by the Equity Center to incorporate this Statement in an amicus brief supporting Petitioners and Petitioner Intervenous in the Edgewood Sincerely, Peggy Klein Teacher and tay-payer.

Sanger, Jeane Hall april 5, 1989 Near Sir, The legislature placed mandater an our scharl jorgeama when they passed Douce Dile 12 Although it has given no some good disectives it has failed to promide appropriate there is little wealth Our tay hate is high, we have little industry no farming is an main acceptation. teacher valaries are at state-have so me have fern applicante and aux classed are large. The need Translateration of the small schade and equity in funding. exclude the the Equity Center to surround the man amiene brief alse Stetener in the Edgewood. Olse Jineerely Alice Madden rent, tapayer schad principal

STATEMENT OF AMICUS CURIAE, Patricia J. Taylor

Our schools have never had adequate funds for buildings, equipment, supplies, and yet, our school has for years had the second highest tax rate in Denton County. I have been a taxpayer in Denton County for II years. My school taxes are now over \$700 a year.

As a teacher, I see that a student's ability to succeed economically is impaired by inadequate educational opportunities. The young people in our community both want and deserve equal educational opportunities. Our administrators have worked hard to ensure that the funds are spent in the most critical areas, but they have not had sufficient funds to cover all areas.

I urge you to both hear Edgewood vs. Kirby and to rule in favor of the low property value per student schools in the state of Texas.

I authorize an attorney selected by the Equity Center to incorporate this statement in an amicus brief on my behalf supporting Petitioners and Petitioner-Intervenors in the Edgewood case.

Sincerely,

Patricia J. Taylor

Teacher, Mother, Taxpayer

Statement of annews Curial, Maryaret Butler

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lin an amecus breef on my bethe behalf supporting fetitioners and fetitioners and fetitioner Intervenous in the Elyewood inse.

Sencerely Margaret Beitler Sourth Grade Seacher & Housewife

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Amicus Brief in Support of Petitioners' and Petitioner-Intervenors' Applications for Writ of Error has been sent on this ________ day of ________, 1989, by United States Mail, postage prepaid to all counsel of record.

Sandra R. Nicolas State Bar Number 15016500

ARNOLD AND NICOLAS 800 One Capitol Square 300 West Fifteenth Street Austin, Texas 78701 512-320-5200 IN SOCH LEXAS

JUN 29 1989

C 8353

NO. C-8353



IN THE SUPREME COURT OF TEXAS

AUSTIN, TEXAS

EDGEWOOD INDEPENDENT SCHOOL DISTRICT, ET AL.,
Petitioners

٧.

WILLIAM KIRBY, ET AL.,

Respondents

BRIEF OF AMICUS CURIAE IN SUPPORT OF THE PETITIONERS AND
PETITIONER-INTERVENORS BY THE
SCHOOLCHILDREN OF THE FOURTH GRADE CLASS FROM
HINKLE ELEMENTARY SCHOOL OF SPRINGTOWN ISD,
SPRINGTOWN, TEXAS

IN THE SUPREME COURT OF TEXAS AUSTIN, TEXAS

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BRIEF OF AMICUS CURIAE IN SUPPORT OF PETITIONERS AND
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SCHOOLCHILDREN OF THE FOURTH GRADE CLASS FROM
HINKLE ELEMENTARY SCHOOL OF SPRINGTOWN ISD,
SPRINGTOWN, TEXAS

TO THE HONORABLE SUPREME COURT OF TEXAS:

Now come the schoolchildren of the Fourth Grade Class from the Hinkle Elementary School of Springtown ISD, Springtown, Texas and submit the following statements in support of the ruling of the Honorable Harley Clark, Judge - 250th Judicial District, Travis County, in Cause Number 362,516.

The undersigned has been requested to submit these statements to the Court. The undersigned does not represent any party and has no monetary interest in the outcome of the litigation. The statements presented are from individuals who have a substantial interest in preserving the State's ability to provide equitable public education to its citizens.

Accordingly, schoolchildren of the Fourth Grade Class from the Hinkle Elementary School of Springtown ISD, Springtown, Texas respectfully pray that this Court consider the attached statements and uphold the decision of the trial court in the case at bar.

Respectfully submitted, ARNOLD AND NICOLAS 800 One Capitol Square 300 West Fifteenth Street Austin, Texas 78701 512-320-5200

Sandra R. Nicolas State Bar No. 15016500 2-29 Jacca View East Weatherford, Tx 76086 March 29, 1989

Equity Center 300 W. Fifteenth St. Suite 214 austin, Tx 78701

Dear Mr. Foster:

I am a student in the Springtonn School District. I would like to see all of the school districts get equal funding. I would like to see the Edge wood case come to court as soon as possible and a decision to be made quickly. Thank you very much for your cooperation

Respectfully, Angela York

PLEASE NOTE:

The following statements are essentially identical to the first statement bound in this volume.

2719 Viking are Apt. #7 Springtown, Tax 76082 March 29, 1989

Equity Center 300 W. Fifteenth St. Suite 214 Austin, Fix 78701

Dear Mr. Foster:

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Thank you very much for your

cooperation.

Respectfully,

Heather Peterson

Heather Peterson

54 Blackiston Paradise, In 76073 March 29,1**9** 89

Cequity Center 300 West Fifteenth St. Suite 214 Austin, Tx 78701

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I am a student in the Springtown School District the would like to see all the school districts get equal funding thwould like to see the Edgewood case come to court as soon as possible, and a decision to be made quikly.

Thank you very much for cooperating

Respectfully

Jennifer Gardeline.

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805E.3rd Springtown I K 16082 March 29, 1989

Cquity Center 300 W. Fifteen St. Duite 214 Qustin, 5 % 78701

Dear Mr. Foster:

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Respectfully, Kelly Melton Kelly Melton 2804 Meadow Oake St. Caple, 7 x. 76020 March 29, 1989

Equity Center 300 W. Fibteenth St. Suite 214 austin, 7 x. 18701

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Respectfully, amber Swiney Amber Swiney P.O. Box 1003 Springtour, JX 76082 March 29, 1989

Equity Center 300 W. Fifteenth St. Luite 214 Austin, J2 78 701

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Respectfully April Mothis April Mothis 703 E. 3 nd Apt 707 Springtown It 76082 March 29, 1989

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Respectfully, Breida Landgen

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P.O. BOX720 Springtown 2X76082 March 29,1989

Equity Centers 300 W. Frequen St. Duite Austin, Tx. 78701

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Respectfully Mark Idevell MArk Herrell 708 Westover Lane Springtown, Tx 76082 March, 29,1989

Equitor Center 300 W. Fifteenth St. Suite 214 Austin, Tx 78701

Dear Mr. Poster:

I am a student in the Springtown School Dictrict. I would like to all the school dictricts to get equal funding. I would like to see the Bd wood ease come to court as soon as possible and a decision to be made quickly.

Thank you very much for your cooperation

Respectfully

Jason Seahry

Jason Leghy

Rt. 3, Box 181-45 Springtown Fx 76082 March 29, 1989

Equity Center 300 W. Fritteen St. Suite 214 Austin, Fa. 18 101

Dear Mr. Foster:
I am a stundent in the springtown School District.
I would like to see all the school district get equal funding I would like to see the Edgwood case come to be made quickly.
Thank you very much for your cooperation.

Respectfully, Caroline Boster Caroline Boster R.I. 2 Box 239 Springtown, IN. 76082 March 29,1989

Equity Renter 300 west fifteenth & I. Suite 214 Astin, In. 18701

Dear Mr. Foster:
I am a student in the Springtown School Destrict. I would like to see all the school distrects get equal funding funding. I would like to see the edgwood case come to court as soon as possobil, and a disition quickly. I hank you very much for your cooperation.

Resptfully; Christopher Lee Christopher Lee HarisStreet Rot. 3800 44 E Azbei 76020 March 29, 1989

Equity Center 300W. Fifteenth St. Suite 214 Austin, Tx. 28701

Dear Mr. Froster:

I an a student in the the Springtown school District. I would like to seeal the school district get equal funding. I would like to see all the school district get equal funding. I would like to see the edgewood case come to court as sonas to see the edgewood case come to court as sonas to see the, and a decision to be made quick ye posseble, and a decision to be made quick ye thank you very much for your consertion.

Respectfully, Kathler May Kathleen May R+1 Box 373-20 Springtown TX 76082 Mark 29,1989

Equity Center 300 W. Fifteen St. Suite 214 Astin, TX 78701

Dear Mr. Foster:

I am a student in the Springtow School
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to be made quickly.
Thank you for your cooperation.

Respect Fully, Deffery Schneider Jeffery Schneider 2809 Meadow Oaks Azle Tx. 76020 March 29, #1989

Equity Center 300 W. Fifteenth st. Suite 214 Austin, Tx. 78701

Dear Mr. Foster:

I am a student in the springtown School District of would like to see all the school district get equal funding I would like to see the Edgewood case come to courtas soon as possible, and a decision to be made quickly thank you very much for your cooperation.

Respectfully, Crystal Hopkins

Crystal Hopkins

Box 61-6 Springtown JX 76082 March 29, 1989

Equity Center 300 West 15th ST. Swite 214 Austin, JX 78701

Dear Mr. Footer: Springtown School clam a student in the Springtown School District. I would like to selablate school districts get equal funding. I would like to see the Edgewood case come to court as soon as possibale and a decision to be made quickly.

Thank you very much for your coopration.

Respectfully John farres
John Farres

R. T. 2 Box 230-28 Springtown, I. % 76082 March 29,1989

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Law a student in the Springtown school District. I would like to see all the school districts set equal functing. I would like to see the Edgewood case come to count as soon as possible, and a decision to be made quickly in hank you very much for your cooperation

Respectfully, Tyler Harvey Tyler Harvey 35 Deer Butte Weather Ford, Jr. 76086 March 29, 1989

Equity Center 300 W. Fifteen St. Suite 214 Austin Jz., 78701

Dear Mr. Foster.

clam a student in the Spring town School District of would like to see all the districts get equal funding of wood like to see the Edgewood case come to court as soon as possible and a decision to be made quickly.

Thankyou for your cooperation.

Respectfully,

Sandra Cobb

Sandra Cobb

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I hereby certify that a true and correct copy of the foregoing Amicus Brief in Support of Petitioners' and Petitioner-Intervenors' Applications for Writ of Error has been sent on this _______ day of ________, 1989, by United States Mail, postage prepaid to all counsel of record.

Sandra R. Nicolas State Bar Number 15016500

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WILLIAM KIRBY, ET AL.,

Respondents

BRIEF OF AMICUS CURIAE IN SUPPORT OF PETITIONERS' AND PETITIONER-INTERVENORS'

FRIENDSWOOD INDEPENDENT SCHOOL DISTRICT 302 Laurel Drive Friendswood, Texas 77546

IN THE

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BRIEF OF AMICUS CURIAE IN SUPPORT OF PETITIONERS AND PETITIONER-INTERVENORS

TO THE SUPREME COURT OF TEXAS:

Amicus Curiae, Friendswood Independent School District, file this Brief in Support of Petitioners, Edgewood Independent School District, et al., and Petitioner-Intervenors, Alvarado Independent School District, et al.

> Ted L. Thomas, Superintendent Friendswood Independent School District

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STATEMENT OF JURISDICTION AND JURISPRUDENTIAL IMPORTANCE

Jurisdiction exists under Section 22.001(a)(1), (2), (3), (4), and (6) of the Texas Government Code Annotated (Vernon 1988): a lengthy dissenting opinion was filed in the court of appeals below; the Dallas Court of Appeals has ruled differently from the court of appeals in this case on a question of law material to a decision of this case, Stout v. Grand Prairie I.S.D., 733 S.W.2d 290, 294 (Tex.App. -- Dallas 1987, writ ref'd n.r.e.) (holding that education is a fundamental right under the Texas Constitution); this case involves the construction or validity of a statute necessary to the determination of the case (Tex. Educ. Code \$16.001, et seq.); this case involves the allocation of state revenue; and the court of appeals below has committed an error which is of "importance to the jurisprudence of the state." If left uncorrected, the judgement of the court of appeals will deny a significant percentage of Texas school children an equal educational opportunity. If ever a case demanded discretionary review, it is this one.

INTEREST OF THE AMICUS CURIAE

The undersigned are officials of school districts in Texas and others concerned with the quality of public education in this State. Our interest is in the education of the children of Texas.

The trial court's extensive findings of fact have been undisturbed on appeal. These fact findings depict well the gross inequity of the Texas school finance system. It is these inequities and disparities that we, like all school districts of limited taxable wealth, confront and combat on a daily basis.

There is a vast disparity in local property wealth among the Texas school districts. (Tr. 548-50). The Texas school finance system relies heavily on local district taxation. (Tr. 548). These two factors result in enormous differences in the quality of educational programs offered across the State.

There is a direct positive relationship between the amount of property wealth per student in a district and the amount the district spends on education. (Tr. 555). Because their tax bases are so much lower, poorer districts must tax at higher tax rates than the wealthier districts. Even with higher tax rates, however, poorer districts are unable to approach the level of expenditures maintained by wealthier districts. Wealthier districts, taxing at much lower rates, are able to spend significantly more per student. Conversely, poorer districts endure a much higher tax burden, yet are still unable to adequately fund their educational programs.

The interdependence of local property wealth, tax burden, and expenditures, which is so debilitating to the property-poor school districts, is revealed in numerous fact findings of trial court. For example, the wealthiest school district in Texas has more than \$14,000,000 of property wealth per student, while the poorest district has approximately \$20,000 of property wealth per student, a ratio of 700 to 1. (Tr. 548). The range of local tar rates in 1985-86 was from \$.09 (wealthy district) to \$1.55 (poor district) per \$100.00 valuation, a ratio in excess of 17 to 1. By comparison, the range of expenditures

The Transcript is cited as "Tr." The pages of the Transcript cited in this Brief contain the trial court's Findings of Fact and Conclusions of Law.

per student in 1985-86 was from \$2,112 per student (poor district) to \$19,333 (wealthy district). (Tr. 550-52).

As the trial court found, differences in expenditure levels operate to "deprive students within the poor districts of equal educational opportunities." (Tr. 552). Increased financial support enables wealthy school districts to offer much broader and better educational experiences to their students. (Tr. 559). Such better and broader educational experiences include more extensive curricula, enhanced educational support through additional training materials and technology, improved libraries, more extensive counseling services, special programs to combat the dropout problem, parenting programs to involve the family in the student's educational experience, and lower pupil-teacher ratios. (Tr. 559). In addition, districts with more property wealth are able to offer higher teacher salaries than poorer districts in their areas, allowing wealthier districts to recruit, attract, and retain better teachers for their students. (Tr. 559).

The denial of equal educational opportunities is especially harmful to children from low-income and language-minority families. As the trial court found, "children with the greatest educational needs are heavily concentrated in the State's poorest districts." (Tr. 562). It is significantly more expensive to provide an equal educational opportunity to low-income children and Mexican American children than to educate higher income and non-minority children. (Tr. 563). Therefore, the children whose need for an equal educational opportunity is greatest are denied this opportunity.

Not only are the disparities and inequities found to exist by the trial court shocking, they render the Texas school finance system constitutionally infirm.

ARGUMENT

I. THE TEXAS SYSTEM OF FUNDING PUBLIC EDUCATION VIOLATES THE STATE CONSTITUTIONAL GUARANTEE OF EQUAL RIGHTS (Op. 3-13).

A.

The denial of equal educational opportunity violates a fundamental right under the Texas Constitution. "Fundamental rights have their genesis in the expressed and implied protections of personal liberty recognized in federal and state constitutions." Spring Branch I.S.D. v. Stamos, 695 S.W.2d 556, 560 (Tex. 1985). Recognizing that education is "essential to the preservation of the liberties and the rights of the people," Article VII, Section 1 imposes a mandatory duty upon the Legislature to make suitable provision for the support and maintenance of an efficient school system. See, e.g., Bowman v. Lumberton I.S.D., 32 Tex.Sup.Ct.J.104, 106 (Dec. 7, 1988). Article I, Section 3 guarantees the equality of rights of all citizens. It is in these two constitutional provisions that equal educational opportunity has its genesis as a fundamental right in the Texas Constitution.

Thus, our state constitution, unlike the federal Constitution, expressly declares the fundamental importance of education. Education

provides the means -- the capacity -- to exercise all critical rights and liberties. Education gives meaning and substance to other fundamental rights, such as free speech, voting, worship, and assembly, each guaranteed by the Texas Constitution. A constitutional linkage exists between education and the "essential principles of liberty and free government," protected by the Texas Bill of Rights. Tex. Const. Art. I, Introduction to the Bill of Rights.

The Texas Legislature and Texas courts have also recognized that the Texas Constitution protects against the denial of equal educational opportunity. In authorizing the creation of the Gilmer-Aikin Committee to study public education in Texas, the Legislature recognized "the foresight and evident intentions of the founders of our State and the framers of our State Constitution to provide equal educational advantages for all." Tex. H.C.Res. 48, 50th Leg. (1948). Moreover, Section 16.00% Texas Education Code, enacted in 1979, recognizes the policy State of Texas to provide a "thorough and efficient" education /scem "so that each student ... shall have access to programs and services ... that are substantially equal to those available to any other similar student, notwithstanding varying local economic factors." Two courts have concluded that Article VII, Section I's efficiency mandate connotes equality of opportunity. Mumme v. Marrs, 40 S.W.2d 31 (Tex. 1931); Watson v. Sabine Royalty, 120 S.W.2d 938 (Tex.Civ.App. --Texarkana 1938, writ ref'd). Finally, the only other Texas appellate court to directly confront the fundamental right question has concluded, citing Article VII, that education is indeed a fundamental right

guaranteed by the Texas Constitution. Stout v. Grand Prairie I.S.D., 733 S.W.2d 290, 294 (Tex.App. -- Dallas 1987, writ ref'd n.r.e.).

B.

Wealth is a suspect category in the context of discrimination against low-income persons by a state school finance system. Serrano v. Priest (II), 18 Cal.3d 728, 557 P.2d 929, 957, 135 Cal. Rptr. 345 (1976). In addition, a fundamental right cannot be denied because of wealth. Shapiro v. Thompson, 39' U.S. 618, 22 L.Ed.2d 600 (1969). Justice Gammage, in his dissenting opinion, ably distinguishes San Antonio I.S.D. v. Rodriguez, 411 U.S. 1, 36 L.Ed.2d 16 (1973), the sole case relied upon by the Court of Appeals in its suspect classification analysis. (Diss.Op. 9-10). The Rodriguez Court observed: "there is no basis on the record in this case for assuming that the poorest people -defined by reference to any level of absolute impecunity -- are concentrated in the poorest districts." 36 L.Ed.2d at 37 (emphasis Unlike the Rodriguez Court, this Court now benefits from a record replete with substantiated and undisputed findings on the wealth issue. (Tr. 562-565). For example, "[t]here is a pattern of a great concentration of both low-income families and students in the poor districts and an even greater concentration of both low-income students and families in the very poorest districts." (Tr. 563).

Because the Texas school finance system infringes upon a fundamental right and/or burdens an inherently suspect class, the system is subject to strict or heightened equal protection scrutiny. Stames, 695 S.W.2d at 560. This standard of review requires that the infringement upon a fundamental right, or the burden upon a suspect class must be "reasonably warranted for the achievement of a compelling governmental objective that can be achieved by no less intrusive, more reasonable means." T.S.E.U. v. Department of Mental Health, 746 S.W.2d 203, 205 (Tex. 1987). The Texas school finance system surely cannot survive this heightened level of scrutiny. Even the United States Supreme Court recognized as much in Rodriguez. 36 L.Ed.2d at 33.

D.

Neither does the Texas school finance system satisfy rational basis analysis. In Whitworth v. Bynum, 699 S.W.2d 194 (Tex. 1985), this Court articulated its own rational basis test to determine the reach of the equal rights provision of the Texas Constitution. Drawing upon the reasoning of Sullivan v. University Interscholastic League, 599 S.W.2d 170 (Tex. 1981), the Court fashioned a "more exacting standard" of rational basis review. Whitworth, 699 S.W.2d at 196. As the Court stated in Sullivan, equal protection analysis requires the court to "reach and determine the question whether the classifications drawn in a

statute are reasonable in light of is purpose." Sullivan, 616 S.W.2d at 172. The Texas school finance system cannot withstand review under the Texas rational basis test. "Local control" has been proffered as a justification, but this concept marks the beginning, not the end, of the inquiry. Local control does not mean control over the formation or financing of school districts. These are State functions, for school districts are "subdivisions of state government, organized for convenience in exercising the governmental function of establishing and maintaining public free schools for the benefit of the people." Lee v. Leonard 1.S.D., 24 S.W.2d 449, 450 (Tex.Civ.App. -- Texarkana 1930, writ ref.d).

In contrast to local control, there are two constitutionally and statutorily stated purposed underlying the Texas school finance system. First, Article VII, Section 1, of the Constitution commands the Texas Legislature to "establish and make suitable provision for the support and maintenance of an efficient system of public free schools." Second, Section 16.001 of the Texas Education Code expresses the State policy that "a thorough and efficient system be provided ... so that each student ... shall have access to programs and services ... that are substantially equal to those available to any other similar student, notwithstanding varying local economic factors."

The Texas school finance system is not rationally related to any of the above-discussed alleged or actual purposes. The trial court made a number of fact findings which bear directly upon the rationality of

the system. The findings reveal the vast disparity in property wealth (Tr. 548-49), tax burden (Tr. 553-55), and expenditures (Tr. 551-60); the failure of state allotments to cover the real cost of education (Tr. 565-68); and the denial of equal educational opportunity to many Texas school children (Tr. 601). The irrationality endemic to the Texas system of school finance has also been recognized, and criticized, by every serious study of public education in Texas ever undertaken, including the Statewide School Adequacy Survey, prepared for the State Board of Education in 1935; the Gilmer-Aikin Committee Report of 1948; and the Governor's Committee on Public School Education Report of 1968.

E.

Finally, the Texas system of funding public education is in no way legitimated or authorized by Article VII, Section 3 of the Texas Constitution. That section merely authorizes the Legislature to create school districts and, in turn, to authorize those districts to levy ad valorem taxes. The court of appeals would have us accept the rather strange notion that whenever the Constitution authorizes the Legislature to act, the courts are foreclosed from constitutional equal rights review of the product of the Legislature's actions. The Legislature created school districts in Texas, authorized them to tax, and allocated 50% of the funding of public education in Texas to ad valorem taxes generated from local tax bases. Inasmuch as "school districts are but subdivisions of the state government, organized for convenience in

exercising the governmental function of establishing and maintaining public free schools for the benefit of the people," no amount of sophistry will permit the State to avoid judicial review of its product.

Lee, 24 S.W.2d at 450.

II. THE TEXAS SYSTEM OF FUNDING PUBLIC EDUCATION DOES NOT MEET THE MANDATORY DUTY IMPOSED UPON THE LEGISLATURE BY THE TEXAS CONSTITUTION TO MAKE SUITABLE PROVISION FOR THE SUPPORT AND MAINTENANCE OF AN EFICIENT PUBLIC SCHOOL SYSTEM (Op. 13).

The court of appeals erred in refusing to determine whether the current system meets the constitutional duty imposed upon the Legislature to "establish and make suitable provision for the support and maintenance of an efficient system of public free schools." Tex. Const. Art. VII, \$1. "Suitable" and "efficient" are words with meaning; they represent standards which the Legislature must meet in providing a system of public free schools. If the system falls below that standard — if it is inefficient or not suitable — then the Legislature has not discharged its constitutional duty and the system should be declared unconstitutional. Courts are competent to make this inquiry. The findings of the trial court, and the conclusions reached in every serious study of Texas education, reveal the gross inefficiency and inequity of the current Texas school finance system.

III. THE TEXAS SYSTEM OF FUNDING PUBLIC EDUCATION VIOLATES THE DUE COURSE OF LAW PROVISION OF THE TEXAS CONSTITUTION (Op. 15).

State officials have thrust increasingly heavy financial burdens upon local school districts. Wealthy districts have little trouble

meeting these obligations; but for poorer districts, such state-imposed mandates have required substantial increases in property tax rates. The disproportionate burdens imposed upon poorer districts constitute deprivations of property without due course of law, in violation of Article I, Section 19 of the Texas Constitution. In addition, the disparate burdens imposed by the State fly in the face of the constitutional mandate that taxation "shall be equal and uniform." Tex.Const. Art. VIII, §1.

CONCLUSION AND PRAYER FOR RELIEF

The trial court correctly concluded of the Texas system of funding public education: "The wealth disparities among school districts in Texas are extreme, and given the heavy reliance placed upon local property taxes in the funding of Texas public education, these disparities in property wealth among school districts result in extreme and intolerable disparities in the amounts expended for education between wealthy and poor districts with the result that children in the property poor school districts suffer a denial of equal educational opportunity." (Tr. 592). For the reasons stated in this Brief, the undersigned amicus curiae request that this Court reverse the judgement of the court of appeals and affirm the judgement of the trial court. We must no longer tolerate an educational system that perpetuates such inequity.

STATEMENT OF AMICUS CURIAE

Statement of Amicus Curiae Clay Bockart, I authorize an attorney selected by the Equity Center to incorporate this statement in an Amicus Curiae brief on my behalf supporting Petitioners and Petitioner Intervenors in the Edgewood Case.

I feel the low salaries offered at the high school 1 attend deter some very exciting and qualified teachers from seeking employment there. The importance of education is found in that it is what we base our lives on. A poor education will undoubtedly secure a poor future. That is why a good education is guarenteed to us by the constitution. This is also why the government must help the schools who are not wealthy to secure a good education There is an increasingly competitive world after high school and if we are not prepared for it, it will eat us up and spit us out before we even have a chance. I plead with you to help the poorer districts.

Respectfully,

clay D. Bockart

Clay Bockart

CERTIFICATE OF SERVICE

	I	hereby	ce	rtify	that	. а	true	and	corre	ct	сору	of	the	fore	goi	ng
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Sandra R. Nicolas State Bar Number 15016500

ARNOLD AND NICOLAS 800 One Capitol Square 300 West Fifteenth Street Austin, Texas 78701 512-320-5200 RECEIVED IN SUPPEME COURT OF TEXAS

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NO. C-8353

SCHEEN, ADARD, CLUB Long and Commission Reports

IN THE SUPREME COURT OF TEXAS

AUSTIN, TEXAS

EDGEWOOD INDEPENDENT SCHOOL DISTRICT, ET AL.,
Petitioners

V.

WILLIAM KIRBY, ET AL.,

Respondents

BRIEF OF AMICUS CURIAE IN SUPPORT OF THE PETITIONERS AND
PETITIONER-INTERVENORS BY
TEACHERS, GRADUATES AND STUDENTS OF
COPPERAS COVE HIGH SCHOOL
COPPERAS COVE, TEXAS

IN THE SUPREME COURT OF TEXAS AUSTIN, TEXAS

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COPPERAS COVE HIGH SCHOOL, COPPERAS COVE, TEXAS

TO THE HONORABLE SUPREME COURT OF TEXAS:

Now come the Teachers, Graduates and Students of Copperas Cove High School, Copperas Cove, Texas and submit the following statements in support of the ruling of the Honorable Harley Clark, Judge - 250th Judicial District, Travis County, in Cause Number 362,516.

The undersigned has been requested to submit these statements to the Court. The undersigned does not represent any party and has no monetary interest in the outcome of the litigation. The statements presented are from individuals who have a substantial interest in preserving the State's